IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1415 OF 2007

Digambar Vitthal Jangale .... Applicant
Vs.
The State of Maharashtra .... Respondent
(C.B.I.)

Mr. I.P. Bagaria with Mr. Ganesh Gole for the Applicant.

Mr. P.D. Gharat for C.B.I.
Ms. M.M. Deshmukh APP for State

CORAM : J.H. BHATIA, J.
DATE : 25TH APRIL, 2007

P.C.

1) Heard Mr. Bagaria, learned Counsel for the applicant and Mr. Gharat, learned Counsel for C.B.I.

2) The present petitioner was arrested in the year 2003 in connection with Crime No. 125 of 2001 under Section 471, 472 I.P.C. and under Section 63(A) (B) of Bombay Stamps Act registered at Mulund Police Station.

3) Recently the CBI has invoked the provisions of MCOC Act and has sought judicial custody of the

present applicant. In fact the applicant was granted bail after his arrest in the year 2003. By the present application, the applicant has challenged the invocation of the provisions of MCOCA and also sought protection against arrest and judicial custody. The learned counsel for both the parties conceded that the application moved by C.B.I. before the Special Judge, MCOCA Court at Pune has heard the arguments taking the present applicant in Judicial custody and both the parties have advanced their arguments for and against the said applicant. The learned special Judge has reserved his order. In such circumstances, it would not be proper for this Court to entertain the present application. It would be appropriate that the concerned special Judge should pass his order on the application which is already heard by him. In view of this Mr. Bagaria seeks to withdraw the application with prayer that in case the order which may be passed by the special Judge goes against the petitioner, the petitioner may be granted protection against the arrest and judicial custody for sometime, so that he may challenge the order of the special Judge. Mr. Gharat has no objection to this.

4) The application stands disposed of as

withdrawn. However, in case the special Judge, MCOCA Court, Pune, passes an order for arrest and judicial custody of the present applicant, the applicant shall not be taken into custody for a period of three weeks from the date of such order, so that the applicant may challenge that order by appropriate application etc.

(J.H. BHATIA, J.)